



Renée Mancino - Executive Director, OHHA

Dave Basler - Executive Director, OHBPA



The Ohio Harness Horsemen's Association was established in 1953 and is the only non-profit association serving over 3,700 of Ohio's active Standardbred horse owners, breeders, trainers, drivers and fans who participate in the sport of harness racing in the Buckeye State at four commercial racetracks and sixty-six racing County Fairs. The mission of the Ohio Harness Horsemen's Association is to preserve, protect, promote and serve the entire Standardbred industry in Ohio and beyond.

The Ohio Horsemen's Benevolent and Protective Association is a non-profit trade association which represents nearly 2,500 thoroughbred owners and trainers who race at Ohio's three commercial Thoroughbred racetracks. Ohio HBPA is an affiliate of the National HBPA, which is based in Lexington, Kentucky. The Ohio HBPA's mission is horsemen helping horsemen.

The Associations thank Chairman Shuring, Vice Chairman Manning, and the entire Select Committee on Gaming for the time and attention they've taken to address the issues presented. We request these issues be considered and ultimately amended into further iterations of any gaming legislation.

I. For parity on the sports wagering expansion, the horsemen's revenue share should continue as codified in existing law. Additional gaming expansion increases marketplace competition and dilutes the entertainment and discretionary spend for patrons further, which will continue to be detrimental to horse racing's bottom line. Horse Racing should be integrated into any sports wagering expansion both on revenue share and side-by-side as an offering as commonly occurs in a "race and sports book" and on mobile or online.

Racinos and casinos provide a revenue share that supports the statewide agricultural endeavor, horse racing. Sports gaming agents should be required to revenue share based upon the existing law in Ohio Constitution Article VI and ORC 3769.087(C), as applied to casino operators and video lottery sales agents in Ohio.

Following the 2009 Ohio gaming expansion and subsequent Constitutional Amendment, in part a codified revenue share for horse racing was put in place, because the Ohio gaming expansion would dilute the entertainment and discretionary spend of patrons (the, "dilution effect") to the detriment of Ohio's statewide agricultural racing programs.

The Ohio Constitution, Article VI(C)(1) authorized casino gaming, "to create new funding for cities, counties, public school districts, law enforcement, the horse racing industry, and job training for Ohio's workforce." Article VI(C)(3)(e) allocates three percent of the tax on gross casino revenue, "to support purses, breeding programs, and operations at all existing commercial horse racetracks..."

Ohio Revised Code Section 3769.087(C) mandates 9-11% of the lottery sales agent's commission as determined by the state lottery commission for conducting video lottery terminal gaming on behalf of the state be paid to the horsemen, "...for the benefit of breeding and racing in this state."

Ohio horsemen are small business operators supporting agriculture statewide. The negative effects on Ohio racing from the gaming expansion in 2009 resulted from the Lottery Agent's geographic relocation of settled racetracks, an increase in marketplace competition, increased promotion of the new gaming and entertainment environment, with a significant reduction in advertising and promotion of the existing horse racing product.

Since 2009 Ohio Casino and Racino gaming revenue has continued to increase while generating an increase on live horse racing wagering has been increasingly challenging during the same period, due to increased competition and promotion from the gaming expansion. Ohio's horse racing industry preserves hundreds of thousands of acres of open space and has a positive impact on agriculture statewide. Horsereading's 2018

economic impact study showed a direct impact of over 21,000 jobs, and an economic impact that exceeds \$2.8 billion with \$900 million in personal income for Ohioans in 2018.

To mitigate the additional dilution effect upon expansion, the Horsemen's share of sports wagering should continue to be the existing and codified, 9-11% Racino Revenue-share and 3% Casino Revenue-share for any sports wagering, iGaming expansion, casino gaming, or other gaming expansion.

Any expansion of online and mobile wagering in sports, should require operators to offer horse racing alongside any other sports wagering offerings to ensure parity and continuity in the sports wagering industry.

II. Gaming Expansion; Sports Wagering, eBingo and Charitable Gaming. Dilution is of paramount consideration because a patron's discretionary entertainment budget is limited. Online and mobile must be able to be regulated. Legislation must strike a balance to promote an open market reasonable for brick and mortar competitors and responsible to Ohio's citizens.

A significant way to combat the illegal market with legalization is to prevent dilution and marketplace confusion for patrons. Mobile applications and online gaming are ubiquitous, however market restraint by limiting skins prevents dilution in the marketplace and permits more effective regulation. It does not restrict competition to a gambler's detriment. Sophisticated customers (a, "Wise Guy") will "forum shop" sports wagering betting lines and offerings regardless of legality, and from one state to the next. They will also shop wagering options, promotions, and "lines" from sports wagering operators inside and outside the state once legal. Online and mobile markets see nearly 90% of all sports betting activity, as in the sport of horse racing.

Online Advance Deposit Wagering (ADW) permits wagering from a location separate from where the live event is held. Wagering occurs via electronic device, a smart phone APP, a computer or tablet via a web browser, a kiosk with account information accessible over the Internet, or a telephone being used to call-in a wager to a call center. Takeout from wagers is higher from live patrons at a racetrack with a 15% blended rate divided by racetracks and horsemen. Online ADWs pay a commission that is as low as 1/5th the takeout received from a live racing wager, which racetracks and horsemen divide. Any expansion on sports wagering will follow the same pattern seen with online horse racing wagering.

In Ohio ADW access has been utilized and expanded in horse racing via the lack of affirmative prohibition or regulation of the activity in-state. In 2020 Ohio horse racing handle statistics reflect the dilution effect in the marketplace. With racing dark for two months (March 14 to May 22) and live spectators absent for an additional month (until June 20th), then at 50% of live capacity from then to date, the net effect was patrons migrated to online and mobile wagering for entertainment. There was little gaming and sports competition available on a widespread scale from March 14, 2020 until June 19, 2020 because racing was one of the few sports that could operate under the stringent regulatory health protocols. Data on handle during COVID provides a snapshot look at operating in a limited world of entertainment and gaming competition.

Wagering figures for horse racing in January-February 2020 reflect a status-quo to trending downward on live parimutuel handle until the pandemic shut-down March 14, 2020. When the first racetrack in North America (Eldorado Scioto Downs) went live without spectators May 22, 2020, online handle for the day was \$1,054,294.15. That was the second highest handle in Scioto Downs history, and a number not achieved in 20 years.¹ May 22, 2020 handle without live fans reached \$1.6 million, with four million dollar-plus handles in a

¹ See stories regarding handle at, < <http://ustrottingnews.com/explosive-opening-night-at-scioto-kicks-off-harness-racing-in-north-america/>> and <http://ustrottingnews.com/scioto-downs-eclipses-2-million-thursday-guardian-angel-as-highlights-friday-card/>> <<https://www.si.com/gambling/2020/05/18/gambling-today-record-betting-handle-horse-racing-return>>.

row by May 27, 2020.² By June 4, 2020, handle was \$2.09 million without live handle. One multi-jurisdictional ADW Hub that records horse racing handle is Oregon.³ The 2020 hub data for nine online ADW providers in 2020 was \$6.6B, total 2019 handle was \$4.4B. The Oregon numbers in-part were higher with the only medium for wagering during the COVID-19, “spectator-less” horse racing environment an ADW, and with many other entertainment choices closed.⁴

III. A tax based upon net revenue should be set mindful of what that resulting net revenue is affected by. Promotions, rebates, and other deductions have a negative effect on resulting net revenue, it is prudent to mandate a minimum hold percentage to offset any negative impact on net revenue.

Nevada taxes gross gaming revenue on a sliding scale, which caps out at 6.75%.⁵ There is also a net win Federal Excise Tax of .25%. A Nevada sports book with \$10,000,000 in handle, and a hold of 5% with a win of \$500,000 owes \$25,000 in federal excise tax. An equivalent to a tax on gross gaming revenue of 5% (\$25,000 divided by \$500,000). Nevada’s top tiered rate of 6.75% results in a tax of 11.75% on gross gaming revenue (5% federal plus 6.75% state taxes). Tennessee has a 20% tax rate and mandates a “hold” of 10%. The hold is defined as, “revenues minus aggregate annual payout to bettors.” The 20% tax is defined as bets minus payouts to patrons. Tennessee sports wagering operators don’t calculate promotional costs or other possible deductions in calculating the tax.⁶ The tax and mandatory hold function together to provide an operator the flexibility to compete and protects the net revenue. Learning a lesson from racing, taxation must be set to balance that the net win can be affected to the detriment of in-state brick and mortar in the same way seen in Ohio’s online and mobile horse racing wagering.

The Lottery, casino gaming, horse racing, and sports wagering are effectively sumptuary excise taxes. With a sumptuary tax, such as those imposed on tobacco, alcohol, and marijuana; consumers consume voluntarily, and the tax is a compulsory part of the cost of the product or activity.

IV. There should be a prohibition on multiple licenses per-online or mobile operator. Online and mobile should be limited to one-Skin (or License) per brick and mortar location. The Skin should be branded identical to the in-state brick and mortar presence.

Without strict licensing and regulation, out-of-state ADW’s advertise and poach clients from Ohio’s in-state brick and mortar racetrack locations, while also undercutting in-state takeout by providing rebates and benefits to bettors at a more significant level as-compared to an in-state brick and mortar location. From 1999 on, ADW operators have hired legions of salespeople to traverse racetrack locations, sign-up live, on-track patrons and move them to APP based wagering inside the racetrack location.

a. A reasonable and responsible market expansion protects patrons from illegal bookmakers, protects Ohio’s minors, and prevents the “Wise Guys” from exploiting an expansive system that cannot be regulated.

² See recap story at, <<http://ustrottingnews.com/scioto-downs-tops-1-million-handle-for-fourth-consecutive-night/>>

³ A multijurisdictional hub is a jurisdiction where an interstate wager is taxed. See, <<https://www.oregon.gov/racing/Pages/Advance-Deposit-Wagering.aspx>>

⁴ Additional historical Oregon handle data is: **2013-** \$2.4B, **2014-** \$2.6B, **2015-** \$2.8B **2016-** \$3.1B **2017-** \$3.9B, **2018-** \$4.2B.

⁵ Payable on or before the 15th of the month, payable for that month, 3.5% of the first \$50,000 during the month, plus 4.5% of the next \$84,000 plus, 6.75% of revenue exceeding \$134,000. N.R.S. 463.270.

⁶ Chapter 15, Tennessee Sports Gaming License Rules, Regulations and Standards at §15.1.2.
OHHA HBPA Senate Select Committee Gaming Testimony

Online and mobile providers offer rebates back to gamblers, which are often based on wagering volume. With the rebate system based on volume, a new industry has developed, Computer Assisted Wagering (CAW), where individuals set up an army of computers running algorithms to determine statistical ROI value in a wagering pool. They then wager into the pool using that statistical advantage on value plays. In 2018, CAW in horse racing accounted for 16-19% of all wagering.⁷ It was reported in one extreme case that a CAW source using pool arbitrage produced a net rate of return of \$1.50 per each \$1 wagered over thirty consecutive racing days.⁸ CAW wagering drives the non-professional player out of the pool by raising the takeout rate. That comes at the expense of the casual player and fan. Add rebates for volume onto that computer assisted ROI, and in-state racing locations cannot compete with the out-of-state or offshore ADW operators. A sports wagering expansion via mobile and online will be no different.

When this topic was discussed in-depth in New York State's Senate Committee on Racing, Wagering & Gaming hearing on the Future of Racing, Wagering & Gaming in New York State in 2011, they didn't correct this or learn a lesson from racing on the significant negative impact of extreme online and mobile expansion without reasonable oversight and taxation. "We believe the gaming industry is over saturated as far as allowing out of state Internet sites in to poach bettors from New York residents. Close this down or regulate it and it will go a long way to bringing the New York racing industry to where it once was - strong and profitable."⁹

Regulators will spend more money than a state makes trying to enforce and regulate the marketplace if multiple skins are permitted. This is already being seen in New Jersey. Division of Gaming Enforcement's Director David Rebeck is a frequent critic of the inability to regulate the massive illegal market, "They are extremely robust," he said. "They make our operations look like a five-and-dime store."¹⁰ Director Rebeck also said, "We've been researching this with our law enforcement partners to get a better understanding of how they operate in the United States". "At this point in time, we've identified over 108 illegal websites that take sports wagers from every state in the United States today. They're very good at what they do."

b. A reasonable and responsible market ensures that Ohioans are not confused and that they are in-fact placing a wager with a legal, licensed, and regulated entity. Servers that "host" the online presence and handle wagers for Ohioans should be located ("Hub") in the State of Ohio.

Most state sports wagering expansions have required that online servers be hosted in their respective states. Some states have approved up-to three skins per licensee. The in-state server hosting requirement has facilitated in-state employment and clearer oversight and regulation over out-of-state online entities. However, using multiple skins by non-brick and mortar locations has caused confusion in the marketplace. In that climate, the unregulated out-of-state or International online and mobile operators can spend more money on advertising than brick and mortar locations, due to their low overhead and tax-free status. The primary complication is an inability

⁷ The Jockey Club Roundtable Conference on Matters Related to Racing, August 12, 2018 presentation.

<http://jockeyclub.com/RoundTable/PDF/RTC_2018_part1.pdf>

⁸ Whitepaper surveillance of Parimutuel Wagering Integrity Using Expert Systems and Machine Learning, by Roy Stuart Freedman, Isidore Sobkowski. <<https://www.aaai.org/ocs/index.php/IAAI/IAAI10/paper/view/1544>>

⁹ Testimony of David Groth, President and CEO, Catskill OTB.

<<https://www.nysenate.gov/sites/default/files/Racing%20Gaming%20Wagering%20Public%20Hearing%20202.7.11%20Testimony.pdf>>

¹⁰ New Jersey Regulators Serve Notice to Illegal Online Gambling Operators, Promoters. October 17, 2018.

<https://www.onlinepokerreport.com/32657/nj-regulators-illegal-online-gambling/> and Director Rebeck's testimony to the New Jersey Assembly Tourism, Gaming and the Arts committee <<https://www.njleg.state.nj.us/media/mp.asp?M=A/2018/ATG/0913-1000AM-M0-1.m4a&S=2018>>

and high cost to effectively regulate, the net effect within a state is the inability to curtail illegal or offshore wagering, and an inability to prevent wagering by minors in-state.

As in New Jersey, regulators will spend more money than the state makes trying to enforce and regulate the marketplace. If the number of “skins” is not limited in the difficult-to-regulate online and iGaming environment the end result will be even greater marketplace dilution, an inability to regulate the massive illegal market, and losing tax dollars, while chasing the illegal operators who exploit any “gray area” in regulation to generate revenue.

European online gambling is a highly fragmented system with significant challenges for consumers, gambling authorities and online gambling companies. Many Countries in Europe have tried to manage the marketplace by restricting advertising and promotion in its entirety or at least in-part, having also tried financial and ISP blockings.¹¹ They have had limited success with financial and ISP blockings. Widely used have been advertising bans and restrictions. Due to Constitutional Due Process considerations on Commercial Speech any state bans need to target the illegal activity as many other countries have done.¹²

Canada’s Criminal Code (S. 207) and Provincial Law permits advertising unless it is conducted and managed by the provincial governments and/or charitable organizations.

U.K. Advertising Standards Authority “whistle-to-whistle” advertising ban prohibits advertising during sporting events (except horse racing, which is exempt). Many other proposals continue to be rolled out on restrictions.

Sweden’s gaming trade Association, Spelbranschens Riksförbund (SPER) and Branschföreningen för Onlinespel (BOS) have advertising codes of conduct. Ads Must be (1) factually accurate without misrepresentation, (2) used in a way to avoid encouragement of excessive play, (3) cannot appeal to minors, (3) must include responsible wagering message, (4) limit sponsorships, and (5) include sponsorship limitations.

Italy’s gaming regulator, Autorità per le Garanzie nelle Comunicazioni (AGCOM)’s has the “Dignity Decree”, which bans direct, indirect advertising, sponsorship, product placements, sponsorship items, and influencing marketing in its entirety.

The goal is to prevent illegal and unlicensed operators from capitalizing on marketplace confusion. Most causal sports fans will not be sophisticated enough to protect themselves from the confusion.

V. Sports Wagering in Ohio should be viewed as an expansion of the existing wagering on sports in Ohio.

A sports wagering expansion doesn’t require a skill based or non-skill based (“game of chance”) gaming assessment in Ohio. It should be evaluated as a sports wagering expansion. Regulated wagering on a sport has been permitted in Ohio since 1975. Horse racing is a sport, often called, “the sport of kings”. Racing is the original sport that wagering was offered on in Ohio. In racing, sports wagers run along a continuum from skill based wagering (computer assisted wagering and professional handicappers) to non-skill based wagering (casual fan that wagers on the horse, “Aunt Millie” because they have an Aunt Millie). Sports wagering is never strictly a game of chance whether it is wagering on the sport of horse racing, football, or basketball.

¹¹ European Gaming and Betting Association provides numerous resources and information regarding European Gaming. <<https://www.egba.eu>> United Kingdom Advertising Standards Authority, <<https://www.asa.org.uk>>

¹² Commercial Speech under Central Hudson Gas & Electric Corp. v. Public Service Comm’n of New York, 447 U.S. 557 (1980) looks at, whether the speech is misleading or related to an unlawful activity; Whether the state has a substantial interest in restricting the speech; Whether the governmental restriction advances the substantial interest of the state; Whether the restriction is proportional and reasonably tailored to advance the government’s interest.

Wagers can be pari-mutuel, where bettors wager against each other in a pool with “the house” and “the state” receiving a portion of the wager as “takeout” before the pool is divided among the winners. Wagers can be based upon fixed odds where odds are posted and bettors wager at a fixed point for a fixed price on the outcome of a race or game. Wagers can be based upon an exchange where bettors buy or sell at a price, they consider reasonable and lock in those prices. In exchange wagering you can also wager during the running of a race or during a game, assuming you can find another “bettor” willing to buy or sell at the price you are offering. Betting on other sports does not differ from what is offered on horse racing. Sports wagering pools are not a game of chance pool when the wagers being placed do so via a pari-mutuel pool, an exchange wagering pool, into a fixed odds pool, or on a parlay card. Wagering via any of these pools place patrons into competition with each other in that pool with winners sharing the proceeds from the pools when they have a winning wager over those with a losing wager. Sports wagering unlike a lottery, which is based on chance and rolls a portion of the losing proceeds over into the next pool, sports wagering pools distribute the proceeds (minus takeout, or “vigorous”) to the winners.

At the State level there hasn't been a prohibition on sports wagering in Ohio since 1975. Sports wagering has been permitted by state law under R.C. Chapter 3769. An expansion on sports wagering beyond racing after 1975 was prohibited when the Professional and Amateur Sports Protection Act (PASPA) was signed into law in 1992, becoming effective in January 1993. PASPA prevented states that did not already offer sports wagering from regulating or offering sports wagering beyond what they already had. Nevada, Oregon, Delaware, and Montana were already offering sports wagering on sports other than racing and could continue under PASPA. Other specific exclusions were given to, jai-alai, horse and dog racing, and only those sports lotteries in existence in Delaware, Montana, Oregon at the time of PASPA enactment.

In Nevada since 1931 there were standalone Race and Sports Books until 1975. From 1975 on Casino owners integrated Race and Sports Books into their casino properties (first four, Union Plaza, Stardust, Castaways, Barbary Coast) offering sports betting wagers on all sports. In the May 2018 Supreme Court decision overturning PASPA 6-3, Judge Alito wrote, "Congress can regulate sports gambling directly, but if it elects not to do so, each state is free to act on its own."

At the federal level, before 1992 Congress had acted and regulated the sport of Horse Racing across state lines. The Federal Wire Act was passed in 1961 to cut the proverbial “wire” on the transmission of sports betting information across state lines.

The Interstate Transportation Wagering Paraphernalia Act of 1961 accompanied the Wire Act's passage. Crossing state borders with materials related to or stemming from sports bets were made illegal. It included, tickets, bills, tokens, writing slips, or other paraphernalia specifically related to or engineered for sports wagering.

1978 The Interstate Horse Racing Act (IHA) was passed to provide rules for wagering in a state on horse racing that occurred in another state. The IHA is federal oversight over wagers that cross state lines. Racing gamblers in states horserace wagering was legal in, could bet on a horse race being broadcast in from an out-of-state legal racetrack. In 2000 the IHA was amended to permit bets made over the phone. The IHA specifically exempts wagering on horse races across state lines from the Wire Act. There are conditions on approval to take advantage of the IHA.

In response to Internet based gaming sites (Poker) growing across the United States in 2006 the Unlawful Internet Gambling Enforcement Act (UIGEA) was passed. UIGEA criminalizes financial transactions that involve online sports betting, if the sportsbook was based in or catered to U.S. gamblers. Online sports book servers and operations migrated from the United States to foreign jurisdictions that

welcomed them. The net effect was the online operators had no direct legal or financial connection with the United States. They complied with their foreign host's laws and conducted the business of soliciting U.S. gamblers from that foreign gaming jurisdiction.

VI. The Ohio Constitution Limits Expansion of the Lottery and Casino Gaming.

The Lottery is permitted to offer, the sale of lottery tickets except as otherwise provided for under §6 (A). The Constitution is clear that the lotteries and sale of lottery tickets will award, “**prizes by chance to participants**”. Sports betting cannot award a prize by chance as a sports lottery, because the game of wagering on sports is not a game of chance.

§ 6, Casino Gaming shall be conducted only by licensed operators of the four casino facilities or by licensed management companies retained by the Casino Operators. Casino Gaming means any type of slot machine or table game wagering using money, casino credit, or any representative of value authorized in the states of Indiana, Michigan, Pennsylvania, and West Virginia as of January 1, 2009. Casino gaming does not include bingo or horse racing. § 6(C). Wagering on the sport of horse racing and other sports are not Casino Gaming or a lottery.

The Ohio Constitution does not grant the authority to expand the definition of casino gaming to include sports wagering absent a Constitutional Amendment. The Ohio Constitution does not grant the authority to expand gaming in any form and permit operation at veteran and fraternal organizations, bowling alleys, or other entities. Those entities are limited to charitable bingo.

VII. Sports Wagering Expansion statewide is already provided for under Chapter 3769 via “Simulcast Facilities” as outlined in R.C. 3769.26. Satellite Facilities and expansion should include additional forms of wagering and permit both racing and other sports wagering integrated together as seen in Nevada. “Off the Board”, ADW wagering, exchange wagering, fixed odds wagering, parlay card wagering, etc., should be permitted on all sports.

Satellite Facility locations are limited under Chapter 3769. The maximum number is two per permit holder for a maximum of fourteen. Under current law the location for any Satellite Facility must be agreed-upon by the seven permit holders. MGM Northfield Park owns the only Satellite Facility in the State, Cedar Downs, near Sandusky, Ohio. Because no one operator has reached the maximum number of Satellite Facilities in Ohio by the date set-out in R.C. 3769.26(B), other permit holders can apply for more than one.

Of those locations there is nothing in the existing law that prohibits a Casino from acting as a Satellite Facility location by agreement with the seven permit holders. One existing location, Four Casino Satellite Facility locations, and Nine additional Satellite Facility locations can be implemented statewide.

VIII. The regulatory agency legally tasked with regulating sports wagering as an expansion of sports betting is the Ohio State Racing Commission.

Sports wagering is not a game of chance. The Ohio Constitution permits the Lottery to oversee and regulate only “games of chance”. The Ohio Constitution prohibits sports wagering from being categorized as a casino game, and the Ohio Casino Control Commission regulates casino gaming.

However, due to the constriction on live racing wagered as-compared to the other forms of gaming, which have continued to increase in net revenue generation in Ohio since the 2009 expansion, the Ohio State

Racing Commission (OSRC) is underfunded and doesn't have the staff for regulation and enforcement of sports wagering. Sports Wagering Licensing fees and taxation should help to fund an OSRC expansion.

IX. As an alternative on Regulation, and under the General Assembly's initiative from the 133rd Legislative Session carried over to the 134th Session in S.B. 9, to Reduce Bureaucracy and Legislation with the, "One-in-two out" Rule. A best practices model for all Ohio Gaming and Regulation is to Consolidate Ohio's Gaming Regulation Agencies. Upon doing so, a Separate Enforcement Arm should be created for all licensing and enforcement needs.

In the prior General Assembly 133, and now 134th Assembly Senate Bill 9 targets a 30% overall reduction in state agency regulation by requiring a true accounting by each state agency of the total number of regulations under its jurisdiction. Agencies may not adopt a new regulatory restriction unless it simultaneously removes two or more other existing regulatory restrictions via the "one-in-two-out" rule.

OLC (9 Commissioners), OSRC (5 Commissioners), OCCC (7 Commissioners) would be combined to form one Ohio Gaming Commission with each Division having the primary responsibility over their primary subject matter areas. The current enforcement arms for each of the three regulatory agencies would be combined to form a separate and distinct Licensing and Enforcement Agency i.e., "The Ohio Gaming Control Commission".

The existing Commissions would be combined with a requirement that three commissioners from the existing Commission's remain (current standing chairperson upon consolidation being one of the three). Those with experience in that distinct gaming type will be appointed as replacements. In the first year after enactment any seats on the original Commissions that expire will not be filled, they will be omitted via natural attrition. The end-result being a nine-member Gaming Commission. Of the nine, three Commissioners each will have experience in Casino Gaming, Racing, or the Lottery. From those nine, one Chairperson will be elected.

To handle emerging or specific regulation related to gaming, each of the three Commissioners retained from the OLC, OSRC, and OCCC will elect a Chairperson. Those three Chairs will co-chair a temporary (convened by need) Oversight Board (Ohio Joint Gaming Oversight Board) to handle any future gaming expansions as other forms of wagering that emerge that need to be legislatively enacted or regulated. When that Board is convened, the Governor can add up-to two additional Members to serve with experience in that specific subject area along-side the three Chairs on that Oversight Board.

The singular Ohio Gaming Commission would continue to maintain the existing Executive Directors and Deputy Directors as chiefs of a "Division" of the Ohio Gaming Commission, the "Lottery Division", "Gaming Division", "Racing Division". The other State Employees under each "Division" would remain in their current configuration but would work collaboratively with their complimentary counterparts in the other Agencies.

The Ohio Gaming Commission would consolidate the regulations under Chapters 3770, 3769, and 3772. Chapter 3772 would provide the base model for casino operator, management company, holding company, or gaming-related vendor, The approval process for a significant change in ownership or transfer of control of a license. The existing law in Chapter 3770 relative to "Lottery Sales Agent" and "Video Lottery Agent" and Chapter 3769 "Permit Holder" would be amended for parity with §§ 3772.08 to 3772.121 on the number of facilities and licenses held.